

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
PUBLIC HEARING

**NOTICE** is hereby given that the Nebraska Department of Natural Resources will hold a rulemaking hearing pursuant to Neb. Rev. Stat. § 84-907 on the 11th day of August, 2005, at 9:00 a.m., to be held at the Holiday Inn Convention Center, 110 2<sup>nd</sup> Avenue, Kearney, Nebraska.

The purpose of the hearing is to take testimony and evidence about amendment of Title 457, entitled Rules for Surface Water, to include a new Chapter 24 regarding Rules Regarding the Determination of Fully Appropriated River Basins pursuant to Neb. Rev. Stat. § 46-713. The subject matter and scope of the rulemaking action is:

These rules are a result of the passage of LB 962 § 53(1)(d) (Neb. Rev. Stat. § 46-713) which requires the Department of Natural Resources (the "Department") to specify by rule and regulation the types of scientific data and other information that will be considered for making the preliminary determination as to whether a river basin, subbasin or reach presently is full appropriated without the initiation of additional uses. These rules also establish, pursuant to Neb. Rev. Stat. § 46-748, the criteria the Department will use for making the determination of fully appropriated, and the determination of the geographic area within which surface water and ground water are hydrologically connected. The Department established a negotiated rulemaking committee relating to these proposed rules. The committee met a total of seven times, but was unable to reach consensus on the proposed rules. These rules impact all portions of Nebraska that are not presently designated as fully appropriated or overappropriated. They could also impact those portions of the state that are now so designated if a reevaluation of any of those designations is performed pursuant to Section 46-713(2).

Draft or working copies of the proposed rules are available for public inspection at the offices of the Secretary of State, Regulations Division, Room 343, State Capitol, Lincoln, NE 68509 and the Department of Natural Resources, 301 Centennial Mall South, Lincoln, NE 68509. There is no expected fiscal impact from the amendment of these regulations on state agencies, political subdivisions, or persons regulated.

All interested persons may attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to the hearing which will be made part of the hearing record at the time of hearing if received by the Department of Natural Resources on or before August 11, 2005. Individuals with disabilities may request auxiliary aids and service necessary for participation by contacting the Administrative Officer at P.O. Box 94676, Lincoln, NE 68509-4676, (402) 471-2363, **by August 9, 2005.**